

The Examiner then rejected claims 1-5, 8 and 9 under 35 U.S.C. § 103 as obvious and, therefore, unpatentable over Briggs, U.S. Patent No. 1,092,014, in view of Gekhter et al., U.S. Patent No. 5,488,751. More specifically, the Examiner takes the position that Briggs discloses the invention, as claimed, including a handle (1) mounting a toothbrush (28). The brush, the Examiner explains, is integral with a support (14) rotatably joined to the handle (via 11, 12, or 13; see Figures) so that tilting of the brush relative to the axis of the handle can be adjusted (citing page 1, column 1, lines 8-18). The Examiner also indicates that the toothbrush is further provided with a “lock” (the Examiner referencing the portion having to do with item “21”). In addition, the Examiner finds that the support has a pin transverse to the axis of brush (13) for rotatable engagement with a seat at an end of the handle (citing to the drawing Figures). Further, the Examiner continues, there are parallel, ring-shaped expansions (11), each defining a relatively circular seat (in Figures 4 and 5), formed in the end of the handle and relatively parallel to one end of the handle (citing Figures 4-5, in particular).

Additionally, the Examiner states that the diameter of the seat in Briggs appears to be substantially equal to the diameter of the pin (Figure 10), and that the transverse pin is provided at the other end of the brush (Figures 1 and 2). Also, he asserts that Briggs includes connectable half portions (2, 3), each terminating with one of the ring-shaped extensions (11; Figures 4 and 5) and rotatably joined to one another at opposing ends (referencing, again, the Figures), a protrusion (8) allegedly being formed on one of the halves (3) for engaging in a corresponding cavity (9) formed correspondingly in the other portion (2), so when applying relatively moderate force thereto so that the portions are joined to one another (citing page 1, lines 52-68).

The Examiner admits, however, that while Briggs discloses a toothbrush, such is not specifically a wire brush. He then looks to Gekhter et al. as purportedly disclosing an interdental toothbrush that is a wire brush (14) for cleaning between teeth and also an upper brush support section rotatably joined to the handle (the Examiner directing Applicant to Figure 7).

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to substitute the flat toothbrush portion of Briggs for a wire brush, allegedly taught by Gekhter et al., as an alternative type of toothbrush that is also beneficial for cleaning between teeth.

Next, the Examiner rejected claims 1-5 and 8 under 35 U.S.C. § 103(a) as obvious and, therefore, unpatentable over de La Tour, U.S. Patent No. 4,731,896, in view of Gekhter et al., U.S. Patent No. 5,488,751. In particular, the Examiner takes the position that de La Tour discloses Applicant's invention, as claimed, including a handle (5) mounting a toothbrush (31). The brush, she says, is integral with a support (3) rotatably joined to the handle (referencing column 2, lines 57-59) so that tilting of the brush relative to an axis of the handle can be adjusted (the Examiner citing Figure 2). Also, the Examiner asserts that the de La Tour toothbrush is provided with a "lock" (noting column 3, lines 36-39 and column 4, lines 32-29). The support, the Examiner continues, has a pin transverse to the axis of the brush (allegedly at 23, 84 or 140) for rotatable engagement with a seat at an end of the handle (the Examiner citing to the Figures).

Furthermore, the Examiner argues, there are parallel, ring-shaped expansions (at 10, 12; 80, 82; or 136, 137), each purportedly defining a relatively circular seat (referencing the Figures), formed in the end of the handle and relatively parallel to one

end of the handle (particularly, says the Examiner, in Figures 1 and 2). Additionally, the Examiner states that the diameter of the seat in de La Tour appears to be substantially equal to the diameter of the pine (referencing, again, the drawing Figures). The note that the transverse pin is provided at the other end of the brush (in Figures 1 and 2).

The Examiner acknowledges that de La Tour does not disclose a toothbrush that is specifically a wire brush, and looks to Gekhter et al. as disclosing an interdental toothbrush that is a wire brush (14) for cleaning between teeth and also the upper brush support section is rotatably joined to the handle (the Examiner making specific reference to Figure 7).

On this basis, the Examiner concludes that it would have been obvious to one of ordinary skill in the art to substitute the flat toothbrush portion of de la Tour for a wire brush, as allegedly taught by Gekhter et al., in order to achieve an alternative type of toothbrush that is also beneficial for cleaning between teeth.

Finally, the Examiner rejected claims 1-8 under 35 U.S.C. § 103(a) as being obvious and, thus, unpatentable over Rocco, U.S. Patent No. 5,581,838, in view of Gekhter et al. In particular, the Examiner asserts that Rocco discloses Applicant's invention, as claimed, including a handle (12) mounting a toothbrush (26), the brush being integral with a support (20) rotatably joined to the handle (via 30) so that tilting of the brush relative to an axis of the handle can be adjusted (the Examiner citing to the Figures and Abstract). The Examiner also indicates that the toothbrush of Rocco is provided with a "lock" (citing column 4, lines 50-57) and that the support has a pin transverse to the axis of the brush (38) for rotatable engagement with a seat at an end of the handle (referring to the drawing Figures). As with the other references cited, the

Examiner believes that Rocco discloses parallel, ring-shaped expansions (16, 18), each of which, she says, defines a relatively circular seat (citing, in this regard, to the Figures), formed in the end of the handle, and relatively parallel to one end of the handle (the Examiner referencing Figure 4, in particular).

The Examiner states that the diameter of Rocco's alleged seat appears to be substantially equal to the diameter of the pin (citing to the drawing Figures). He also takes the position that the lock comprises at least one radial tooth formed on the pin (on sprockets 42, 44) and a plurality of cavities formed on a surface delimiting the seat for engaging the tooth (at 66 or 68; column 4, lines 41-43), the cavities purportedly being spaced angularly relative to one another (in Figure 4), so that the brush is lockable at a selected angle (noting column 4, lines 50-65). A transverse pin, the Examiner asserts, is provided at the other end of the brush (of Figure 4).

As also indicated regarding the previous references, the Examiner admits that Rocco does not disclose a toothbrush that is specifically a wire brush and, once again, looks to Gekhter et al. for purportedly disclosing an interdental toothbrush that is a wire brush (14) for cleaning between teeth, and an upper brush support section that is rotatably joined to the handle (the Examiner noting Figure 7).

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to substitute the flat toothbrush portion of Rocco for a wire brush, purportedly taught by Gekhter et al., as an alternative type of toothbrush that is also beneficial for cleaning between teeth.

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Applicant, however, respectfully disagrees with the Examiner's reading and Application of the cited references.

First, we respectfully submit, in 1912, the date of Briggs, the interdental toothbrush had not yet been developed. Briggs neither discloses, suggests, nor could he have suggested application of his conventional toothbrush head, circa 1912, to a modern "interdental" type toothbrush for insertion in the hardest to reach spaces between the user's teeth.

Second, while Briggs refers to adjustment of a brush holder in two positions only, i.e., "either in line with the handle, as shown in Fig. 1, or at right angles to the handle, as shown in Fig. 2" (See Briggs, page 2, lines 11-14), there is no disclosure or suggestion of tilting the brush head, nor of a lock for securing a support at a selected angle of "tilt". We submit that Briggs, therefore, does not disclose, suggest, nor could he have anticipated the problems addressed and solved by Applicant's modern invention.

Third, Gekhter et al. purport to disclose a flexible twisted wire brush and twisted wire stem arrangement for an interdental type toothbrush for more efficient and cost effective manufacture. As indicated in the Background Of The Invention of Applicant's Specification, such arrangements as indicated by Gekhter et al. are disadvantageous in reducing the effective length of the toothbrush that has to be grasped by the user's fingers, not only making it difficult to maintain the desired angle of tilt, but also impossible to retain the brush at such angle. We respectfully disagree that there is even suggestion of motivation in any of the cited references to look to the twisted wire brush of Gekhter et al., which alleges manufacturing advantages, as applicable to Applicant's wire brush arrangement, as claimed.

As for Rocco, he provides no disclosure or any suggestion of an "interdental" type toothbrush, nor would there be any motivation, we respectfully submit, to look to a flexible, twisted wire brush of Gekhter et al. which purports manufacturing advantages rather than the benefits achieved by Applicant's invention.

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Applicant respectfully submits that none of the cited references, whether taken alone or in any combination, disclose or suggest Applicant's invention, as claimed.

Withdrawal of the Examiner's rejections under § 103(a) is, therefore, respectfully requested.


Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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